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# Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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## Nuclear disarmament

### Working paper submitted by the Group of Arab States

1. Nuclear disarmament is one of the most important of the three pillars of the Treaty on the Non-Proliferation of Nuclear Weapons, because it is directly linked to international peace and security. The importance of that pillar is clearly demonstrated by the fact that the United Nations has chosen to designate 26 September as the annual International Day for the Total Elimination of Nuclear Weapons. That step was taken to keep international attention focused on the goal of the total elimination of nuclear weapons.

2. The United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination, which was held in New York in 2017 in accordance with General Assembly resolution 71/258, was a major step towards ridding the world of nuclear weapons. It resulted in the adoption, for the first time in human history since nuclear weapons were used, of a non-discriminatory treaty to prohibit those weapons. That treaty came as an inevitable outcome of growing international concern over the humanitarian impact of the use of nuclear weapons. The fact that a majority of the members of the international community succeeded in reaching agreement on that treaty should provide an impetus for negotiations within the Conference on Disarmament towards a comprehensive convention on the prohibition of the use of nuclear weapons that would set a specified timetable for the total and irreversible elimination of nuclear weapons within an effective international verification and oversight system. In that regard, it is hoped that the Conference on Disarmament can break the impasse that has lasted for almost 22 years, and manage to set forth a comprehensive and balanced action programme that will allow for negotiation of such a treaty as an absolute priority of the Conference.

3. The high-level international conference on nuclear disarmament scheduled to be held in New York from 14 to 18 May 2018, following the completion of the work of this Committee in accordance with a series of resolutions adopted by the United Nations General Assembly since 2013, from resolution 68/32 to resolution 72/251, will be an opportunity for the international community to review the reasons for the failure of the Conference on Disarmament to fulfil its mandate and negotiating a comprehensive nuclear weapons convention. It is hoped that the second session of the Preparatory Committee will provide an opportunity to send a message of support for

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the objectives of that Conference that will contribute to progress towards the realization of the goal of the goal of the total and final elimination of nuclear weapons.

4. Nuclear disarmament must remain the ultimate priority of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons. It is a legal obligation for which responsibility falls on all the States parties to the Treaty, but particularly on the five nuclear-weapon States.

5. In that regard, it must be recalled that the negotiating parties to this Treaty succeeded, in the atmosphere of the Cold War, in reaching a grand bargain under which the nuclear-weapon States committed to the total elimination of their nuclear weapons, in accordance with article VI, in exchange for a commitment from the rest of the States not to seek to acquire such weapons. Unfortunately, attempts by certain States parties to reinterpret their commitments under that article in a way that renders it devoid of content and makes it less binding is cause for grave concern. Such attempts will inevitably undermine the Treaty.

6. The possession of nuclear weapons by five States parties to the Treaty is meant to be a temporary situation under the Treaty's provisions. Those States should not view it as an acquired legal right. The repeated failure to implement successive commitments to disarmament made at review conferences casts doubt on the utility of the review process itself. That has been the case with Decision 2 of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the thirteen steps adopted by the 2000 Review Conference, and the specific actions included in the action plan contained in the final document of the 2010 Review Conference.

7. The five nuclear States are clearly continuing to avoid setting out any specific timetables for implementing nuclear disarmament obligations under the Treaty and the outcomes of the review conferences. The nuclear-weapon States continue to subscribe to security and military doctrines that would not only allow for the use of nuclear weapons but, as we have seen recently, would expand the cases in which they might be used and have even signalled that they might be used against non-nuclear States The States parties to the Treaty must reaffirm that such doctrines are in fundamental conflict with the provisions and intent of the Treaty on the Non-Proliferation of Nuclear Weapons, and that they undermine the Treaty's goals and damage its credibility.

8. The complete elimination of nuclear weapons, in accordance with article VI of the Treaty, remains the only guarantee against their use. Until that goal is achieved, there is a pressing need to conclude a binding, universal, unconditional and irrevocable legal instrument that provides effective guarantees to non-nuclear-weapon States against the use or threat of use of nuclear weapons under any circumstances.

9. The international community must also begin negotiating a universal, non-discriminatory and verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the report of the Special Coordinator (CD/1299) and the mandate contained therein. The negotiation of such a treaty is one of the thirteen steps agreed to by consensus by the States parties to the Treaty at the 2000 Review Conference. It is also contained in Action 15 of the action plan adopted by the 2010 Review Conference. The negotiation of such a treaty that covers the growing stockpile of fissile materials would constitute an effective contribution to achieving nuclear disarmament, and would also contribute to strengthening the non-proliferation regime.

10. The 2015 Review Conference failed to adopt a consensus final document, and the five nuclear-weapon States have evaded their commitments and shirked their

responsibilities. That failure represents a major challenge to the nuclear disarmament pillar that calls for more rapid progress and increased efforts to achieve that goal within an explicit and agreed-upon time frame. Although that failure is a challenge, it is also an opportunity that States parties to the Treaty should proactively seize — if they are acting in good faith — to ensure that the current review conference results in ambitious outcomes on disarmament that increase compliance with the provisions of the Treaty and promote implementation of the commitments that emerged from previous review conferences.

11. The credibility of the Treaty on the Non-Proliferation of Nuclear Weapons depends on honouring the balance among the three pillars, devoting an equal amount of attention to achieving them, and correcting the imbalance that has emerged over the past few years from the deliberate focus by certain States parties on non-proliferation to the detriment of nuclear disarmament.

12. The Group of Arab States stresses that bilateral agreements on the reduction of nuclear arsenals are not a substitute for the obligations incumbent on the nuclear-weapon States under the provisions of the Treaty.

13. In the light of the above, we feel that the second session of the Preparatory Committee should make the following recommendations to the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons:

(a) The centrality of the Treaty on the Non-Proliferation of Nuclear Weapons to the nuclear disarmament and non-proliferation regimes should be reaffirmed, as should the importance of the humanitarian impact of nuclear weapons as the basis on which to pursue future nuclear disarmament efforts;

(b) Balance should be restored to the review process. Excessive attention should not be paid to any one pillar of the Treaty to the detriment of any other. It is necessary to correct the imbalance that has emerged over the past few years as a result of neglecting the nuclear disarmament pillar in favour of the non-proliferation pillar;

(c) The States parties to the Treaty, especially the five nuclear-weapon States, should reaffirm that nuclear disarmament is a legal obligation under article VI of the Treaty, and express their concern at any attempt to reinterpret that article to weaken the legal obligation to pursue nuclear disarmament;

(d) The Review Conference should stress that while the responsibility to achieve nuclear disarmament lies with all States parties to the Treaty, the five nuclear-weapon States parties to the Treaty have a special obligation stemming from their unequivocal undertaking provided for in the final document of the 2000 Review Conference. It should urge those parties to carry out bilateral, collective or multilateral efforts to achieve the goal of nuclear disarmament;

(e) The Review Conference should welcome the Treaty on the Prohibition of Nuclear Weapons approved on 7 July 2017 in New York. It should stress that that Treaty is not a substitute for the Treaty on the Non-Proliferation of Nuclear Weapons, but rather a legally binding instrument that complements the latter, and represents an unquestioned contribution towards the goal of ridding the world of nuclear weapons. The Conference should stress the importance of building on it with other legally binding instruments for achieving a world free of nuclear weapons;

(f) The Review Conference should call on the Conference on Disarmament to negotiate a comprehensive treaty on nuclear weapons as soon as possible, as part of a comprehensive and balanced action programme. Such a treaty should set forth a specific timetable for the complete and irreversible elimination of nuclear weapons within an effective international verification and oversight system;

(g) The Review Conference should recommend the negotiation within the Conference on Disarmament of a legally binding, universal, unconditional and irrevocable instrument that provides effective guarantees to non-nuclear-weapon States against the use or threat of use of nuclear weapons under any circumstances until such time as the world is rid of nuclear weapons;

(h) It should urge the Conference on Disarmament to negotiate a universal, non-discriminatory and verifiable treaty to ban the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the report of the Special Coordinator (CD/1299) and the mandate contained therein, as part of a comprehensive and balanced action programme for the Conference that covers the growing stockpile of fissile material. That would represent an effective contribution to nuclear disarmament while also contributing to strengthening the non-proliferation regime;

(i) The Review Conference should call on all States that subscribe to a doctrine of nuclear deterrence to promptly renounce it, given that it is in fundamental conflict with the provisions and intent of the Treaty on the Non-Proliferation of Nuclear Weapons, undermines that Treaty's goals, and damages its credibility.